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Date of Deposit: February 10, 2005

Attorney Docket No.: 21578-010 CON



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Wangh

SERIAL NUMBER : 10/798,061

EXAMINER : Not Yet Assigned

FILING DATE : March 10, 2004

ART UNIT : 1632

FOR : PRENATAL SCREENING

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION PURSUANT TO 37 C.F.R. 1.78(a)(3) TO ACCEPT UNINTENTIONALLY-
DELAYED CLAIM OF PRIORITY UNDER 35 U.S.C. 120 FOR THE BENEFIT OF
PRIOR-FILED NONPROVISIONAL APPLICATIONS**

Pursuant to 37 C.F.R. § 1.78(a)(3), this petition is submitted to request perfection of the benefit claim in the above-referenced application. Although a benefit claim was included in an executed oath and declaration submitted on March 10, 2004 and indicated on an updated filing receipt mailed on January 18, 2005 (courtesy copies enclosed), it was only recently noted that the instant application did not contain a complete specific reference to each of the prior-filed nonprovisional applications in the first sentence of the specification, as required under 37 C.F.R. § 1.78(a)(3). A Preliminary Amendment is being filed concurrently herewith to amend the specification to contain a reference to each of the prior-filed nonprovisional applications from which the instant application claims benefit.

The undersigned asserts that the entire delay between the date the benefit claim was due, according to 37 C.F.R. § 1.78(a)(2)(ii), and the date the benefit claim was perfected was unintentional, as required by 37 C.F.R. § 1.78(a)(3)(i). Once aware of the delay, the undersigned worked diligently to have the benefit claim corrected.

02/14/2005 MAHMED1 00000074 10798061

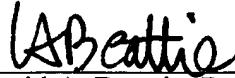
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1370.00 OP

Wangh
10/791,061

Applicants submit herein Check No. 20049 in the amount of \$1,370.00 for payment of the surcharge specified in 37 C.F.R. § 1.17(t). The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No. 21578-010 CON.

Respectfully submitted,



Ingrid A. Beattie, Reg. No. 42,306
Christina K. Stock, Reg. No. 45,899
Attorney for Applicants
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer No. 30623

Dated: February 10, 2005

TRA 2005061v1

DECLARATION AND POWER
(Continuation or CIP Application)

NEY O I P E
FEB 10 2005
SC12345

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the

invention entitled PREGNATAL SCREENING

the specification of which

is attached hereto.

X was filed on February 1, 1994 as Application

Serial No. 08/190,771 and was amended

on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56 (a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/013,039</u> (Application Serial No.)	<u>February 3, 1993</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Richard J. Warburg, Esq.
Registration No. 32,327

Kindly recognize as associate attorney: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr., Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; William E. Thomson, Jr., Reg. No. 20,719; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McCloskey, Reg. No. 26,773; William C. Suffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Borast, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Henninger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; and Suzanne L. Biggs, Reg. No. 30,158 of LYON & LYON, 611 West Sixth Street, Los Angeles, California 90017, Telephone (619) 552-8400.

BEST AVAILABLE COPY

Address all telephone calls to Richard J. Warburg, Esq. at telephone no. (619) 552-8400

Address all correspondence to Richard J. Warburg, Esq., Lyon & Lyon, 611 West Sixth St., Suite 3400, Los Angeles, CA 90017

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of sole or first inventor Lawrence J. Wangh

Inventor's signature Lawrence J. Wangh Date: Feb 28, 1964

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (C) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/798,061	03/10/2004	1632	428	21578-010CON	2	11	4

Ingrid A. Beattie, Ph.D., J.D.
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C.
One Financial Center
Boston, MA 02111

CONFIRMATION NO. 5694



OC000000014972126

Date Mailed: 01/18/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).
 Docket Entry Add

Applicant(s)

Lawrence J. Wangh, Auburndale, MA:

PTO processes the reply requested corrections (i)	<i>Done By</i>
<input type="checkbox"/> Docket Entry	<i>AD</i>
<input type="checkbox"/> Docket Cross Off	_____
<input type="checkbox"/> Previously Entered	_____
<input type="checkbox"/> No Docketing Req.	_____
<input type="checkbox"/> ELITE	_____
<input type="checkbox"/> Annuities	_____

Power of Attorney: The patent practitioners associated with Customer Number 30623.

Domestic Priority data as claimed by applicant

This application is a CON of 09/226,766 01/06/1999 PAT 6,753,457 and is a CIP of 08/013,039 02/03/1993 PAT 5,480,772

Foreign Applications

If Required, Foreign Filing License Granted: 05/27/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/798.061**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

RECEIVED

JAN 21 2005

MINTZ LEVIN, BOSTON
PATENT DOCKET DEPT

Title

Prenatal screening

Preliminary Class

800

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).